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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/733,027
Filing Date: December 08, 2000
Appellant(s): GOVINDARAJAN ET AL.

R. Ross Viguet
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/19/2005 appealing from the Office action mailed 2/23/2005.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: the 35 U.S.C. § 112, second paragraph, rejections of claims 6 and 18 were indicated as withdrawn in Advisory Action dated 5/17/2005 (see Advisory Action item 5) and are therefore not on review for appeal.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6691113	Harrison et al.	2-2004
6751658	Huan et al.	6-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 6, 13, 14, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Howard et al. (US 6584505) hereafter referred to as Howard.

Regarding claim 13, Howard teaches **a computer system for programmatically managing the lifetime of client-specific resource data objects over one or more client sessions, the computer system comprising:**

one or more computers interconnected by a network (Fig. 1, Fig. 5, col. 1 line 17, wherein the networked system is the Internet, a global network of connected computing systems);

a computer program executing on at least the computers (program steps outlined in the figures and run on processors and memory exemplified in Fig. 2; col. 4 line 46);

wherein the computer program further comprise computer instructions for:

receiving a first begin scope instruction (Fig. 4 ref. no. 206, col. 6 line 60 – col. 7 line 5, wherein the user signs on, sending the begin session instruction information to be received at the authentication server);

tracking one or more first client-specific resource data objects (authentication server uses a cookie to track resources (e.g. sites/web servers) used by the user during the client session in a list inside the cookie [col. 7 lines 23-30], e.g. the list entries are read as the data

objects describing the client-specific resources used) **in response to the first begin scope instruction** (the tracking cookie is created or updated after a user logs in and is continued to do so until a logout or a timeout; see col. 7 lines 12-35 and col. 8 line 5 [reference to timeouts]);

receiving a first end scope instruction (col. 7 line 29, wherein the user chooses to log out of the system, thus sending an end session instruction to the server)**; and**

removing the first client-specific resource data objects in response to the first end scope instruction (col. 7 lines 27-35, wherein the cookie containing reference to the resource objects is removed from the client system [since the cookie is removed, the resource data objects inside the cookie are therefore also removed], specifically line 33 discusses that every server deletes any cookies it placed on the client computer during the session [line 14 and 26 are examples of the discussion where the authentication server is included in that group because it copies the cookies to the client]).

Regarding claim 14, which depends from claim 13, Howard teaches if the first begin scope instruction includes a transient scope instruction (automatically includes [indicates] a transient scope in the tracking of the client resource data by removing client-specific data objects after session termination) and a current client session terminates (if the user session times out and the user does not verify login information, the session is automatically terminated prior to an end scope instruction [col. 8 lines 1-7 and col. 7 line 28]), then removing the first client-specific resource data objects prior to the first end scope instruction (on a end of session, by timeout [prior to logout], the client-specific resource data objects are still removed from the system [col. 7 lines 27-30]).

Regarding claim 18, which depends from claim 13, Howard teaches the first begin scope instruction and the first end scope instruction include information identifying the first begin scope instruction and the first end scope instruction (identifying information of the first begin and end instructions is inherent to the login and logout of Howard; the login and logout of Howard must include information tying which logout relates to which login and other information such as user name and information in order to work properly).

Regarding claim 1, the method steps of claim 1 are wholly recited in the program instructions in the computer system as discussed in the rejection of claim 13. Therefore, the claimed limitations of method claim 1 are met in the rejection of claim 13.

Regarding claim 2, which depends from claim 1, the method steps of claim 2 as depending from claim 1 are included in the computer system discussed in the rejection of claim 14 as it depends from claim 13. Therefore, the claimed limitations of method claim 2 are met in the rejections of claims 13 and 14.

Regarding claim 6, which depends from claim 1, the method steps of claim 6 as depending from claim 1 are including in the computer system of claim 18 as it depends from claim 13. Therefore, the claimed limitations of method claim 3.

Claims 3, 5, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard as applied to claims 1 and 13 above, and further in view of Haun et al. (US 6751658) hereafter as Haun.

Regarding claim 15, which depends from claim 13, Howard teaches using tracking with temporary data objects (site entries in the list of sites are removed on logout) but does not specifically teach persistent data storage for user selected persistent data objects.

Haun teaches persistent data storage (Fig. 1 ref. no. 186) for storing client-specific data objects for use in the next client session if the current client session terminates (col. 6 lines 23-30). The objects that are stored are designated persistent in response to a client instruction (col. 5 lines 15-18 and col. 6 line 29, wherein changes are made by the user that set the desirable persistent information). The first begin instruction that initiates the login must include a persistent instruction in order to let the management process know to bring up the persistent objects from the last session (col. 6 line 31, wherein the user's next login brings back their client persistent information).

Howard and Haun are combinable because both teach networked systems including client sessions and client data.

It would have been obvious to one of ordinary skill in the art to add the program steps of Haun to the networked client system of Howard in order to enable desirable persistent storage of client data. This motivation would allow the system of Howard to bring back user information, preferences, profiles, and other desirable data from session to session.

Regarding claim 17, which depends from claim 13, Howard in view of Haun teaches all of the limitations listed. Howard teaches all of the limitations of the rejected independent claim 13. The limitations referring to transient scope are included in the Howard rejection of claim 14. The limitations referring to persistent scope are included in the Howard in view of Haun rejection of claim 15.

Regarding claim 3, which depends from claim 1, the method steps of claim 3 as depending from rejected claim 1 are included in the computer system of claim 15 as it depends from claim 13. Therefore, the claimed limitations of method claim 3 are met in the rejections of claim 15.

Regarding claim 5, which depends from claim 1, the method steps of claim 5 as depending from rejected claim 1 are included in the computer system of claim 17 as it depends from claim 13. Therefore, the claimed limitations of method claim 5 are met in the rejections of claim 17.

Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard as applied to claims 1 and 13 above, and further in view of Harrison (US 6691113).

Regarding claim 16, which depends from claim 13, Howard teaches using temporary data but does not teach persistent data storage in client name-space for designated user items.

Harrison discloses Persistent Data Storage for Client Computer Software Programs. Harrison teaches a designating persistent data objects with names for the objects (col. 7 line 67, wherein the data is stored with names). These objects are stored in a persistent folder in the client name-space in response to a client instruction (Fig. 6 ref no. 500, col. 5 line 11 and col. 7 lines 65 and 66, wherein the client persistent data is stored on the client computer). The instruction could be any of a number of things, from logging out, setting preferences, changing profile information, or any other user data.

Howard and Harrison are combinable because they both teach networked computing systems with clients and client data.

It would have been obvious to one of ordinary skill in the art to add the persistent data scheme and naming of Harrison to the client system of Howard. The motivation for doing so would have been to allow the system of Howard to bring back user information, preferences, profiles, and other desirable data from session to session and to access this data with specific naming to make the system easy for use and design.

Regarding claim 4, which depends from claim 1, the method steps of claim 4 as depending from rejected claim 1 are included in the computer system of claim 16 as it depends from claim 13. Therefore, the claimed limitations of method claim 4 are met in the rejections of claims 13 and 16.

(10) Response to Argument

Response to Appeal Brief Argument B.

The 35 U.S.C. § 112 Rejections

Examiner indicated in Advisory Action dated 5/17/2005 [item 5] that the after-final arguments submitted (first arguments submitted for the rejection) overcome the 35 U.S.C. § 112, second paragraph, rejection of claims 6 and 18 as set forth in non-final and final rejections. Accordingly, no response to already withdrawn rejection will be made here.

Response to Appeal Brief Argument C. 1.

The 35 U.S.C. § 102 Rejections over Howard regarding Claims 1 and 13

With respect to Appellants' arguments near the bottom of claim 6 regarding claims 1 and 13 that "Appellee is relying upon cookies placed on the client to meet the recited client-specific data objects" and since the cookies aren't tracked, the web sites are, and thus "Howard does not teach 'tracking one or more first client-specific objects'."

In reply, Appellants' assertions are incorrect. In Non-Final Rejection dated 8/11/2004 and Final Rejection dated 2/23/2005 Examiner states "client-specific resource data is tracked ***in*** a cookie" (emphasis added), thus referring to the list of sites as the list of tracked resource data objects, not the cookie itself as the object.

To be exact on how the limitations (see rejection above for column, line, and figure numbers) of the claim are met see next page.

Thus, since it is clear that Appellee is not relying upon cookies placed on the client to meet the recited client-specific data objects the Appellants are incorrect in their argument.

Receiving a first begin scope instruction is	the login received by the authentication server from the client.
Client-specific resource data objects are	the list entries of visited web sites/servers by the user during a session.
Tracking one or more first client-specific resource data objects in response to the first begin scope instructions is	tracking the web sites/servers visited by a user during a session by placing list entries in a storage cookie in response to the user logging into the authentication server.
Receiving a first end scope instruction is	a user session logout received by the authentication server from the client.
Removing the first client-specific resource data objects in response to the first end scope instruction is	deleting all cookies from a client that include the tracking cookie in response to the logout.

With respect to Appellants' arguments on page 7 that "Because Howard's tracking is performed by 'a cookie that contains a list of all sites (or web servers) visited by the user since the last logout from the authentication server,' Howard does not teach tracking 'in response to a begin scope instruction'."

In reply, the only way Howard discusses knowing the user is by them logging into the authentication server. If a user is not authenticated, the authentication server has not verified who the user is and can not track the data specifically for that user. Therefore, the tracking of a user visited resources can only be done when a user is logged in, and thus in response to a begin scope instruction.

Further, in col. 7 lines 23-24, Howard states *authentication server also updates (or creates) a cookie that contains a list of sites.* This tracking is done in response to the login by the user discussed above in Howard (see col. 7 line 13, wherein Howard states after a successful login 'then' the authentication server does something, and in line 23 where it states that the authentication server 'also' does this other thing in response).

Response to Appellants' Arguments C. 2.

The 35 U.S.C. § 102 Rejections Over Howard regarding Claims 2 and 14

With respect to Appellants' arguments on page 7 and 8 that Howard does not teach that a begin scope instruction may include a transient scope instruction.

In reply, Appellant defines the transient scope instruction to be any type of *indication* that indicates a transient (temporary) scope – see page 14 lines 18-20 of specification.

Thus a broad reading the claim in light of the specification suggests if a begin scope instruction indicates (thus includes an indication) a transient (temporary) scope, it reads on the claimed limitation argued.

When a user through a client computer logs onto the authentication server it is an indication to start the temporary tracking session. Howard starts the transient scope of the session and tracking when a user logs into the system. Thus, as cited previously, Howard's fundamental system automatically includes a transient scope in the tracking of client resource data by removing client-specific data objects after session termination. When a user logs onto the system, there must be some *indication* inherently into the system to start the temporary tracking because just the fact that they are logging in indicates a transient scope should begin for that user. Thus, the login itself indicates (and therefore includes) a transient scope. Accordingly, Howard does teach that a begin scope instruction may include a transient scope instruction because all a transient scope instruction needs to be is an indication that the scope tracked client-specific resource data objects will be transient.

Response to Appellants' Arguments C. 3.

The 35 U.S.C. § 102 Rejections Over Howard regarding claims 6 and 18

With respect to Appellants' arguments on page 8 that in Howard there is no teaching or indication that the login instruction includes information about the logout instruction.

In reply, if there is a login to the server, it includes username and password (col. 6 line 58). If there is a logout instruction coming across the Internet, how will the authentication server know what login it is associated with? The end scope instruction must have some indication

which login instruction it is associated with for the logout to be correctly associated with that session and/or user. Therefore, both instructions have information associated with each other in order to correctly bound both ends of the session. In final rejection Examiner points out that examples of this includes user name and/or other user information in both to associate them (e.g. user x logging out), but no matter how it is specifically identified, the logout must be associated (thus shared identification) with the appropriate login.

Response to Appellants' Arguments D. 1. a.

The 35 U.S.C. § 103 Rejection Over Howard in View of Haun regarding the lack of all claimed limitations of claims 3 and 15

With respect to Appellants' Arguments on page 10 that neither Howard nor Haun teach that a begin scope instruction may include a persistent scope instruction.

In reply, as discussed in the reply for claim 2, a persistent scope instruction is described as an *indication* of a persistent scope. Haun teaches in col. 6 lines 31 – 36 that when a user logs into the system, any persistent data associated with the user is retrieved, thus the begin scope instruction of logging in automatically includes a persistent indication to retrieve such persistent data. Haun also teaches in step 360 of Fig. 3 that the server checks the login to see if the user is one that is persistent (is known/has persistent data), if YES, step 365, if NO step 370. Thus, there is a login (begin scope instruction) indicates by the username whether there is a persistent scope associated with the session or not, so a persistent scope instruction is indicated in a login. In both of these forms it is clear that the login information indicates a persistent scope based on the user's persistent data stored in the repository.

Examiner also points to the claim where the actual object is designated as persistent by the user as in Haun (user sets the preferences, bookmarks they wish to store – e.g. col. 6 line 25, wherein the user can make changes in session to the persistent data objects for storing when the logout occurs). Thus, the persistent scope instruction is just an indication that some of the data in the following session will can be indicated as persistent, which is what Haun teaches.

Response to Appellants' Arguments D. 1. b.

The 35 U.S.C. § 103 Rejection Over Howard in View of Haun regarding the lack of motivation of claims 3 and 15

With respect to Appellants' arguments on page 11 that the prior art does not suggest the desirability of any combination of Howard and Haun.

In reply, as previously stated, the motivation would have been to allow the users of the system of Howard to bring back user information, preferences, profiles, and other desirable data from session to session. Col. 5 line 16 of Haun specifically teaches that it is desirable to retain information between sessions. This includes bookmarking (col. 5 line 18) sites that a user wanted to keep between sessions. Since the user list of sites is temporary in Howard, allowing the user to create bookmarks and keep persistent data would have been obvious and evidence of motivation is found in the references as cited above.

Response to Appellants' Arguments D. 2. a.

The 35 U.S.C. § 103 Rejection Over Howard in View of Haun regarding the lack of all claimed limitations of claims 5 and 17

With respect to Appellants' arguments on page 12 that the combination does not teach or suggest a first being scope instruction including a transient scope instruction.

In reply, Appellant defines the transient scope instruction to be any type of *indication* that indicates a transient (temporary) scope – see page 14 lines 18-20 of specification.

Thus a broad reading the claim in light of the specification suggests if a begin scope instruction indicates (thus includes an indication) a transient (temporary) scope, it reads on the claimed limitation argued.

When a user through a client computer logs onto the authentication server it is an indication to start the temporary tracking session. Howard starts the transient scope of the session and tracking when a user logs into the system. Thus, as cited previously, Howard's fundamental system automatically includes a transient scope in the tracking of client resource data by removing client-specific data objects after session termination. When a user logs onto the system, there must be some *indication* inherently into the system to start the temporary tracking because just the fact that they are logging in indicates a transient scope should begin for that user. Thus, the login itself indicates (and therefore includes) a transient scope. Accordingly, Howard does teach that a begin scope instruction may include a transient scope instruction because all a transient scope instruction needs to be is an indication that the scope tracked client-specific resource data objects will be transient.

With respect to Appellants' Arguments on page 13 that neither Howard or Haun teach that a begin scope instruction may include a persistent scope instruction.

In reply, as discussed in the reply for claim 2, a persistent scope instruction is described as an indication of a persistent scope. Haun teaches in col. 6 lines 31 – 36 that when a user logs into the system, any persistent data associated with the user is retrieved, thus the begin scope instruction of logging in automatically includes a persistent indication to retrieve such persistent data. Haun also teaches in step 360 of Fig. 3 that the server checks the login to see if the user is one that is persistent (is known/has persistent data), if YES, step 365, if NO step 370. Thus, there is a login (begin scope instruction) indicates by the username whether there is a persistent scope associated with the session or not, so a persistent scope instruction is indicated in a login. In both of these forms it is clear that the login information indicates a persistent scope instruction based on the user's persistent data stored in the repository.

Examiner also points to the claim where the actual object is designated as persistent by the user as in Haun (user sets the preferences, bookmarks they wish to store – e.g. col. 6 line 25, wherein the user can make changes in session to the persistent data objects for storing when the logout occurs). Thus, the persistent scope instruction is just an indication that some of the data in the following session will can be indicated as persistent, which is what Haun teaches.

Examiner thus points out that the combination of both Howard and Haun teach both transient (all data objects temporary) and persistent (data objects temporary unless designated by a user command) scope instructions and the combination would have both.

Response to Appellants' Arguments D. 2. b.

The 35 U.S.C. § 103 Rejection Over Howard in View of Haun regarding the lack of motivation of claims 5 and 17

With respect to Appellants' arguments on page 15 that the prior art does not suggest the desirability of any combination of Howard and Haun.

In reply, as previously stated, the motivation would have been to allow the users of the system of Howard to bring back user information, preferences, profiles, and other desirable data from session to session. Col. 5 line 16 of Haun specifically teaches that it is desirable to retain information between sessions. This includes bookmarking (col. 5 line 18) sites that a user wanted to keep between sessions. Since the user list of sites is temporary in Howard, allowing the user to create bookmarks and keep persistent data would have been obvious and evidence of motivation is found in the references as cited above. Further, in the combination of claims 17 and 5, Haun shows the ability to allow the user to set whether or not they want to keep data, instead of automatically not keeping the data. In some instances, the user system may want to delete all tracked data for security or other purposes, and the transient designation would be most beneficial. In others, allowing the users to create bookmarks etc. would be desirable as clearly stated in Haun.

Response to Appellants' Arguments E. 1. a.

The 35 U.S.C. § 103 Rejection Over Howard in View of Harrison regarding the lack of all claimed limitations of claims 4 and 16

With respect to Appellants' arguments on pages 15 and 16 that Harrison's objects are not designated as persistent objects by a client or in response to a client instruction because a software program (e.g. applet) automatically names the persistent data.

In reply, the applet/software program and repository are on the client (see Fig. 3). Therefore the client computer system 100 does designate (and therefore include an instruction doing so) the name for the persistent objects (col. 7 line 50 – col. 8 line 4).

The client referred to in the rejection of claims 1 and 13 is the client computer system that sends the begin scope instruction and that browses the resources etc. Thus, the client computer system is the client. It appears that Appellant reads the client of claims 16 and 5 to be the user of the client computer system. While this may be one interpretation, the client can also generally be regarded as the client computer system, as is done in both Harrison (Fig. 4, 100) and Howard (Fig. 1, 100).

Thus, Harrison clearly teaches there is an instruction in the client designating the name for the data objects in the client space.

Response to Appellants' Arguments E. 1. b.

The 35 U.S.C. § 103 Rejection Over Howard in View of Haun regarding the lack of motivation of claims 4 and 16

With respect to Appellants' arguments on page 17 that there is no motivation to combine Howard and Harrison.

In reply, the motivation for doing so would have been to allow the system of Howard to bring back user information, preferences, profiles, and other desirable data from session to session and to access the data with specific naming to make the system easy for use and design. Just like the cookie of Howard holds a list of resources objects, the repository 302 of Harrison does as well. The feature of Harrison that would have been obvious to combine is to not delete data that the user wants as persistent, basically to keep the data repository on the client instead of removing it when the user logs out of the system. Along with adding the persistent ideas of Harrison comes the naming involved for the objects of the claim. Harrison also teaches working in a system with URLs (col. 1), using cookies for storing data (col. 2), having transient scope (col. 3, wherein the cookies expire at the end of the session), persistent scope (throughout as persistent data and storage), as well as sessions of logging into servers (col. 3). Further, Harrison's object of invention is to allow the user to store persistent data on the client machine (see summary of invention). Further Harrison teaches a URL based persistent data identifier (col. 5) that is similar to the list of sites of Howard. Further, Harrison teaches that the persistent storage is useful (col. 5 lines 24-27). Also, other motivations for wanting to store data from session to session are well known in the web session art.

It is clearly shown that not only are the systems combinable, but the features of Harrison added to Howard would have been beneficial and that the references to show clear motivation for combining.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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